

Sixth Appellate District

San Jose, California

MONDAY, APRIL 7, 2008

H030210 SAN JOSE MEDICAL CENTER v. COUNTY OF SANTA CLARA

The judgment is reversed. The matter is remanded for the purpose of recalculating the amount to which SJMC is entitled to recover for medical care provided to Markrell, if any, between 5:02 p.m. on July 3 and July 4, 2003. The judgment shall then be amended accordingly. The parties shall bear their own costs on appeal. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed April 7, 2008

TUESDAY, APRIL 8, 2008

The following cases are submitted this date:

H032232 In re ISIAH D. et al.; D.F.C.S. v. ROBERTA D.

H031343 PEOPLE v. DANIEL S.

H032253 PEOPLE v. KENNARD

H031650 PEOPLE v. FAUSTO

H031635 PEOPLE v. HUERTA-LOPEZ

H031318 PEOPLE v. NAVARRO

H030110 SONNE v. SONNE

By the Court:

On the court's own motion, the submission order in the above-entitled matter dated February 19, 2008, is hereby vacated. The court by separate letter issued April 7, 2008, has requested supplemental briefing from the parties. The cause will be resubmitted upon completion of supplemental briefing.

Dated: April 8, 2008

Mihara, Acting P.J.

H030976 PEOPLE v. GARELICK

The judgment is affirmed. (published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed April 8, 2008

H030927 PEOPLE v. TALAMANTEZ

The judgment is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: McAdams, J., Duffy, J.)

Filed April 8, 2008

H031531 BECKER v. KAJIKURI

(Filed modification of opinion with no change in the judgment.) Becker's petition for rehearing and the request for publication are denied. (not published)

(McAdams, J., Bamattre-Manoukian, Acting P.J., Duffy, J.)

Filed April 8, 2008

Sixth Appellate District

San Jose, California

Tuesday, April 8, 2008 (continued)

H031540 COUNTY OF SANTA CLARA et al. v. SUPERIOR COURT (ATLANTIC RICHFIELD COMPANY, et al.)

Let a writ of mandate issue commanding the superior court to set aside its order granting the companies' motion and to enter a new order denying the motion. The public entities shall recover their costs. (published)

(Mihara, J.; I concur: McAdams, J.; Concurring opinion by Bamattre-Manoukian, Acting P.J.)

Filed April 8, 2008

WEDNESDAY, APRIL 9, 2008

H031794 In re ALICE M.; MONTEREY COUNTY DSES v. TAMMY L.

The July 6, 2007 order is reversed. The case is remanded to the juvenile court with directions to order the Department to complete notice to the tribes in accordance with ICWA. If, after proper notice, the court finds that Alice is an Indian child, the court shall proceed in conformity with ICWA. If, after proper notice, the court finds that Alice is not an Indian child, the order terminating parental rights and selecting adoption as the permanent plan shall be reinstated. (published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed April 9, 2008

H032172 PEOPLE v. HERRERA

The judgment is reversed. The matter is remanded with directions for the trial court to conduct an inquiry into Herrera's reasons for requesting substitute of counsel. If Herrera establishes that he is entitled to substitute counsel, the trial court should appoint such counsel. If he fails to make the requisite showing, the court shall reinstate the judgment. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed April 9, 2008

H032212 PEOPLE v. RODRIGUEZ

The judgment is affirmed. (not published)

(McAdams, J.; We concur: Mihara, Acting P.J., Duffy, J.)

Filed April 9, 2008

H031384 PEOPLE v. CAMEL

By the Court*:

Appellant's petition for rehearing is denied.

Filed: April 9, 2008

*Before Mihara, Acting P.J., McAdams, J. and Duffy, J.

Sixth Appellate District

San Jose, California

THURSDAY, APRIL 10, 2008

H031455 PEOPLE v. BUCAO

The judgment is reversed and remanded to the trial court with the following directions: (1) to clarify the victim's family member that is the intended recipient of \$2,500 in victim restitution; (2) to file an amended abstract of judgment that includes the corrected restitution order; (3) to enter a new "Judgment and Victim Restitution Order" relating to the victim's family member with the corrected name and amount (\$2,500) and omission of the notation that the restitution was imposed as a condition of probation or a conditional sentence; and (4) to enter a new "Judgment and Victim Restitution Order" relating to the Victim Compensation and Government Claims Board that omits the notation that the restitution was imposed as a condition of probation or a conditional sentence. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)

Filed April 10, 2008

H030986 COMMITTEE FOR GREEN FOOTHILLS v. BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA, et al.; THE BOARD OF TRUSTEES OF THE LELAND STANFORD JUNIOR UNIVERSITY, et al.

The judgment of dismissal is reversed. Upon remand, the superior court shall vacate its order sustaining a demurrer without leave to amend and issue an order sustaining a demurrer with leave to amend. (published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed April 10, 2008

FRIDAY, APRIL 11, 2008

H031469 PEOPLE v. RAMIREZ

The judgment is reversed and the matter is remanded for further proceedings. Unless the prosecution elects to retry count 2, the conviction on count 1 is reduced to the lesser offense of lewd touching (§ 288, subd.(a)) and the trial court shall resentence defendant accordingly. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed April 11, 2008

Sixth Appellate District

San Jose, California

Friday, April 11, 2008 (continued)

H032360 In re MARY H.; D.F.C.S v. DARLENE W.

The December 6, 2007 order is reversed. The case is remanded to the juvenile court with directions to order the department to complete notice to the tribes in accordance with ICWA. If, after proper notice, the court finds that Mary is an Indian child, the court shall proceed in conformity with ICWA. If, after proper notice, the court finds that Mary is not an Indian child, the order terminating parental rights and selecting adoption as the permanent plan shall be reinstated. (not published)

(Mihara, Acting P.J.; We concur: McAdams, J., Duffy, J.)

Filed April 11, 2008